Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-019775
Secret
For Signature
Action by/Deadline: 2016/09/30

MEMORANDUM TO THE DEPUTY MINISTER

[redacted]

s.69(1)(g) re (f)

SUMMARY

- [redacted]
- Private Member's Bill C-452 received Royal Assent on June 18, 2015 but has yet to be proclaimed into force. By amending the coming-into-force provision of the Bill, the Government could bring into force only those parts that do not raise significant risks under the *Canadian Charter of Rights and Freedoms*.
- [redacted]
- **YOUR SIGNATURE IS REQUIRED BY SEPTEMBER 30, 2016.**

BACKGROUND

Private Member's Bill C-452, *An Act to amend the Criminal Code (exploitation and trafficking in persons)*, SC 2015, c 16 ("Bill C-452"), received Royal Assent on June 18, 2015 but has yet to be proclaimed into force. Its coming-into-force provision provides that the entire Bill may come into force on a day to be fixed by order of the Governor in Council. [redacted]

s.69(1)(g) re (f)

Choose classification

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Date: Sept 20/16

Approved by:
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Date: 20/09/16

CCM#: 2016-019775

Pages 3 to / à 5

are withheld pursuant to section

sont retenues en vertu de l'article

69(1)(g) re (f)

of the Access to Information Act

de la Loi sur l’accès à l’information



Department of Justice
Canada

Ministère de la Justice
Canada

CCM#: 2016-019312
Solicitor-Client Privilege
For Approval
Action by/Deadline: 2016/09/20

MEMORANDUM TO THE DEPUTY MINISTER

National Inquiry into Missing and Murdered Indigenous Women and Girls: Preparing for Federal Government Document Production – Enquête nationale sur les femmes et les filles autochtones disparues et assassinées: Préparer la production de documents du gouvernement fédéral

(FOR APPROVAL)

SUMMARY

- The Commission of Inquiry for the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) has a broad mandate. [redacted]

s.21(1)(a)

s.23

- [redacted]
- [redacted]
- [redacted]
- **DO YOU APPROVE?** Yes/No

Solicitor-Client Privilege

BACKGROUND

The MMIWG National Commission of Inquiry has a broad mandate to inquire into and report on systemic causes of violence against Indigenous women and girls in Canada, and institutional policies and practices that have been effective in reducing violence and increasing safety (Annex 1).

[redacted]

s.23

s.21(1)(a)

s.21(1)(b)

KEY CONSIDERATIONS/OPTIONS

[redacted]

Solicitor-Client Privilege

[redacted]

s.21(1)(a)

s.23

The Order in Council appointing the Commissioners provides that they shall "use the electronic data systems and procedures specified by the Privy Council Office and to consult with records management officials within the Privy Council Office on the use of standards and systems that are specifically designed for the purpose of managing records." [redacted]

s.21(1)(b)

[redacted]

Page 9

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est retenue en vertu des articles

14, 21(1)(a), 21(1)(b), 23, 69(1)(e)

of the Access to Information Act

de la Loi sur l’accès à l’information

Page 10

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est retenue en vertu des articles

21(1)(a), 23

of the Access to Information Act

de la Loi sur l’accès à l’information

Solicitor-Client Privilege

Annex 1 OiC 2016-0736 *Establishment and Appointment of Chief Commissioner and five commissioners – National Inquiry into Missing and Murdered Indigenous Women and Girls*

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Date: Sept 9/16.

Approved by:
Don Piragoff, Senior Assistant Deputy Minister, Policy Sector, 613-957-4730
Date: Sept 7/16.





Privy Council Office

PC Number: 2016-0736
Date: 2016-08-02

Whereas the high number of deaths and disappearances of Indigenous women and girls in Canada is an ongoing national tragedy that must be brought to an end;

Whereas the Government of Canada has committed to launching an inquiry to identify and examine the systemic causes of violence against Indigenous women and girls in Canada and to make recommendations for effective action;

And whereas the Government of Canada is committed to taking effective action to prevent and eliminate violence against Indigenous women and girls in Canada;

Therefore, His Excellency the Governor General in Council, on the recommendation of the Prime Minister, directs that a commission ("the Commission") do issue, for the period beginning on September 1, 2016 and ending on December 31, 2018, under Part I of the *Inquiries Act* and under the Great Seal of Canada appointing five persons as commissioners ("the Commissioners"), namely, the Honourable Marion R. Buller as Chief Commissioner, Michèle Taïna Audette, E. Qajaq Robinson, Marilyn Poitras and Brian Eyolfson, to conduct an inquiry into missing and murdered Indigenous women and girls in Canada, which Commission must

(*a*) direct the Commissioners to inquire into and to report on the following:

(i) systemic causes of all forms of violence — including sexual violence — against Indigenous women and girls in Canada, including underlying social, economic, cultural, institutional and historical causes contributing to the ongoing violence and particular vulnerabilities of Indigenous women and girls in Canada, and

(ii) institutional policies and practices implemented in response to violence experienced by Indigenous women and girls in Canada, including the identification and examination of practices that have been effective in reducing violence and increasing safety

.../2

- 2 -

(*b*) direct the Commissioners to make recommendations on the following:

(i) concrete and effective action that can be taken to remove systemic causes of violence and to increase the safety of Indigenous women and girls in Canada, and

(ii) ways to honour and commemorate the missing and murdered Indigenous women and girls in Canada;

(*c*) direct the Commissioners to conduct the inquiry under the name of the National Inquiry into Missing and Murdered Indigenous Women and Girls ("the Inquiry");

(*d*) authorize the Commissioners to adopt any procedures that they consider expedient for the proper conduct of the Inquiry, to sit at the times and in the places, especially in Indigenous communities in Canada, that the Commissioners consider appropriate and to conduct the Inquiry, to the greatest extent possible, by means of informal processes such as the gathering of statements by qualified trauma-informed persons to record the experiences of families of missing and murdered Indigenous

women and girls and survivors of violence against Indigenous women and girls participating in the Inquiry;

(e) direct the Commissioners to take into account, in conducting the Inquiry, that the Inquiry process is intended, to the extent possible,

(i) to be trauma-informed and respect the persons, families and communities concerned,

(ii) to provide an opportunity for persons, families and community members to express and share their experiences and views, particularly on ways to increase safety and prevent and eliminate violence against Indigenous women and girls in Canada,

(iii) to be culturally appropriate and to acknowledge, respect and honour the diverse cultural, linguistic and spiritual traditions of Indigenous peoples, and

(iv) to promote and advance reconciliation and to contribute to public awareness about the causes of and solutions for ending violence experienced by Indigenous women and girls in Canada;

.../3

(f) authorize the Commissioners to provide any person having a substantial and direct interest in the subject matter of the Inquiry with an opportunity to participate in the Inquiry;

(g) authorize the Commissioners to establish

(i) regional advisory bodies – composed of families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls – to advise on regional matters that fall within the scope of the Inquiry, and

(ii) issue-specific advisory bodies – composed of elders, youth, families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls, experts and academics, including academics specializing in Indigenous legal traditions, as well as representatives of national, Indigenous, local and feminist organizations – to advise on regional matters that fall within the scope of the Inquiry;

(h) direct the Commissioners to conduct the Inquiry as they consider appropriate with respect to accepting as conclusive or giving due weight to the findings of fact set out in relevant reports, studies, research and examinations, whether national or international, including

(i) the Final Report of the Truth and Reconciliation Commission of Canada (2015),

(ii) The Report of the Royal Commission on Aboriginal Peoples (1996),

(iii) Invisible Women: A Call to Action – A Report on Missing and Murdered Indigenous Women in Canada, Report of the Special Committee on Violence Against Indigenous Women (2014),

(iv) Missing and Murdered Aboriginal Women: A National Operational Overview, Royal Canadian Mounted Police (2014),

(v) What Their Stories Tell Us: Research findings from the Sisters In Spirit initiative, Native Women's Association of Canada (2010),

.../4

(vi) Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 March 2015),

(vii) Missing and Murdered Indigenous Women in British Columbia, Canada, Inter-American Commission on Human Rights (21 December 2014), and

(viii) reports of the Missing Women Commission of Inquiry (Oppal Commission, British Columbia);

(i) direct the Commissioners to review the results of the Government of Canada's pre-Inquiry engagement process;

(j) authorize the Commissioners to rent, in accordance with the applicable Treasury Board policies, any space and facilities that are required for the purposes of the Inquiry;

(k) authorize the Commissioners to recommend to the Clerk of the Privy Council that funding be provided, in accordance with approved guidelines respecting the rates of remuneration and reimbursement and the assessment of accounts, to any person described in paragraph (f), where in the Commissioners' view the person would not otherwise be able to participate in the Inquiry;

(l) authorize the Commissioners to make available to members of the families of missing and murdered Indigenous women and girls and to survivors of violence against Indigenous women and girls, for the duration of their appearance before the Commission, the trauma-informed and culturally appropriate counselling services that the Commissioners consider appropriate;

(m) authorize the Commissioners to refer the families of missing and murdered Indigenous women and girls and survivors of violence against Indigenous women and girls who contact the Commission for information and assistance with respect to matters such as ongoing or past investigations, prosecutions or inquests to the appropriate provincial or territorial authority that is responsible for the provision of victim services;

..../5

(n) direct the Commissioners to use the electronic data systems and procedures specified by the Privy Council Office and to consult with records management officials within the Privy Council Office on the use of standards and systems that are specifically designed for the purpose of managing records;

(o) authorize the Commissioners to engage the services of the experts and other persons who are referred to in section 11 of the Inquiries Act, at the rates of remuneration and reimbursement that the Treasury Board approves;

(p) direct the Commissioners to perform their duties without expressing any conclusion or recommendation regarding the civil or criminal liability of any person or organization;

(q) direct the Commissioners to perform their duties in such a way as to ensure that the conduct of the Inquiry does not jeopardize any ongoing criminal investigation or criminal proceeding;

(r) if the Commissioners have reasonable grounds to believe that any information obtained in the course of the Inquiry may be used in the investigation or prosecution of an offence under the Criminal Code, authorize the Commissioners to remit that information to the appropriate authorities;

(s) authorize the Commissioners to remit to the appropriate authorities any information that was obtained in the course of the Inquiry that the Commissioners have reasonable grounds to believe relates to misconduct;

(t) direct the Commissioners to follow established security procedures, including the requirements of the Government of Canada's security policies, directives, standards and guidelines, with respect to persons engaged under section 11 of the Inquiries Act and the handling of information at all stages of the Inquiry;

(u) direct the Commissioners to not disclose publicly or in any report any personal information, as defined in section 3 of the Privacy Act, that has been received in evidence during any portion of the Inquiry conducted in camera, unless, in the opinion of the Commissioners, the public interest in the disclosure outweighs any invasion of privacy that could result from the disclosure;

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(v) direct the Commissioners to make any disclosure referred to in paragraph (u) in such a way as to minimize, to the greatest extent possible, any invasion of privacy that could result from the disclosure;

(w) direct the Commissioners, in respect of any portion of the Inquiry conducted in public, to ensure that members of the public can, simultaneously in both official languages, communicate with and obtain services from the Commission, including any transcripts of proceedings that have been made available to the public;

(x) direct the Commissioners to submit, simultaneously in both official languages, the following reports to the Governor in Council:

(i) an interim report, to be submitted before November 1, 2017, setting out the Commissioners' preliminary findings and recommendations, and their views on and assessment of any previous examination, investigation and report that they consider relevant to the Inquiry, and

(ii) a final report, to be submitted before November 1, 2018, setting out the Commissioners' findings and recommendations; and

(y) direct the Commissioners to file the records and papers of the Inquiry with the Clerk of the Privy Council as soon as feasible after the conclusion of the Inquiry.

Attendu que le nombre élevé de décès et de disparitions de femmes et de filles autochtones au Canada constitue une tragédie nationale perdurant qui doit cesser;

Attendu que le gouvernement du Canada s'est engagé à lancer une enquête pour cerner et examiner les causes systémiques de la violence à l'égard des femmes et des filles autochtones au Canada et pour recommander des mesures efficaces pour y remédier;

Attendu que le gouvernement du Canada s'est engagé à prendre des mesures efficaces pour prévenir et éradiquer la violence à l'égard des femmes et des filles autochtones au Canada,

À ces causes, sur recommandation du premier ministre, Son Excellence le Gouverneur général en conseil ordonne que soit prise, pour la période commençant le 1er septembre 2016 et se terminant le 31 décembre 2018, en vertu de la partie I de la *Loi sur les enquêtes*, une commission (ci-après « commission ») revêtue du grand sceau du Canada et portant nomination de cinq commissaires (ci-après « commisaires »), dont l'honorable Marion R. Buller à titre de commissaire en chef et Michèle Taïna Audette, E. Qajaq Robinson, Marilyn Poitras et Brian Eyolfson à titre de commissaires, chargés de faire enquête sur les femmes et les filles autochtones disparues et assassinées au Canada, laquelle commission :

a) ordonne aux commissaires d'enquêter et de faire rapport sur ce qui suit :

i) les causes systémiques de toutes formes de violence — y compris la violence sexuelle — à l'égard des femmes et des filles autochtones au Canada, notamment les causes sociales, économiques, culturelles, institutionnelles et historiques sous-jacentes qui contribuent à perpétuer la violence et les vulnérabilités particulières de ces femmes et de ces filles,

.../2

- 2 -

ii) les politiques et les pratiques institutionnelles mises en place en réponse à la violence à l'égard des femmes et des filles autochtones au Canada, y compris le recensement et l'examen des pratiques éprouvées de réduction de la violence et de renforcement de la sécurité;

b) ordonne aux commissaires de faire des recommandations sur ce qui suit :

(i) les mesures pratiques et concrètes pouvant être prises pour éradiquer les causes systémiques de la violence et renforcer la sécurité des femmes et des filles autochtones au Canada,

(ii) les façons d'honorer et de commémorer les femmes et les filles autochtones disparues et assassinées au Canada;

c) ordonne aux commissaires de mener l'enquête sous le nom d'Enquête nationale sur les femmes et les filles autochtones disparues et assassinées (ci-après « l'Enquête »);

d) autorise les commissaires à adopter les procédures qu'ils jugent opportunes pour le bon déroulement de l'Enquête, à siéger aux moments et aux endroits qu'ils jugent indiqués, en particulier dans les collectivités autochtones au Canada et, dans toute la mesure du possible, à mener l'Enquête au moyen de processus informels, notamment en faisant consigner les expériences des familles des femmes et des filles autochtones disparues et assassinées et des survivants de la violence à l'égard des femmes et des filles autochtones qui participent à l'Enquête, par des personnes qualifiées en traumatisme;

e) ordonne aux commissaires de tenir compte, dans le cadre de l'Enquête, du fait que celle-ci a pour but, autant que possible :

(i) de prendre en compte les traumatismes subis et de respecter les personnes, les familles et les collectivités touchées,

.../3

(ii) de donner aux personnes, aux familles et aux membres des collectivités l'occasion de faire part de leurs expériences et de leurs opinions, notamment sur les façons de renforcer la sécurité, de prévenir et d'éliminer la violence à l'égard des femmes et des filles autochtones au Canada,

(iii) de tenir compte des réalités culturelles, de reconnaître, de respecter et d'honorer la diversité des traditions culturelles, linguistiques et spirituelles des peuples autochtones,

(iv) de promouvoir et de favoriser la réconciliation et de contribuer à sensibiliser le public aux causes de la violence à l'égard des femmes et des filles autochtones au Canada ainsi qu'aux solutions pour y mettre fin;

f) autorise les commissaires à donner à toute personne ayant un intérêt direct et réel dans l'objet de l'Enquête la possibilité d'y participer;

g) autorise les commissaires à constituer les comités suivants :

(i) des comités consultatifs régionaux composés de familles des femmes et des filles autochtones disparues et assassinées et des survivants de la violence à l'égard des femmes et des filles autochtones pour fournir des conseils sur des questions régionales qui relèvent du mandat de l'Enquête,

(ii) des comités consultatifs chargés de l'étude de questions particulières et composés d'aînés, de jeunes, de membres des familles des femmes et des filles autochtones disparues et assassinées et des survivants de la violence à l'égard des femmes et des filles autochtones, d'experts, d'universitaires, notamment des spécialistes des traditions juridiques autochtones, ainsi que de représentants d'organismes nationaux, autochtones, locaux et féministes pour fournir des conseils sur des questions régionales qui relèvent du mandat de l'Enquête;

.../4

h) ordonne aux commissaires de mener l'Enquête comme il leur semble opportun, en tenant pour définitives les conclusions de fait établies dans les rapports, études, recherches et examens pertinents menés à l'échelle nationale ou internationale ou en leur accordant l'importance qu'elles méritent, notamment :

(i) le Rapport final de la Commission de vérité et réconciliation du Canada (2015),

(ii) le Rapport de la Commission royale sur les peuples autochtones (1996),

(iii) Femmes invisibles : Un appel à l'action – Un rapport sur les femmes autochtones portées disparues ou assassinées au Canada, Rapport du Comité spécial sur la violence faite aux femmes autochtones (2014),

(iv) Les femmes autochtones disparues et assassinées : Un aperçu opérationnel national, Gendarmerie royale du Canada (2014),

(v) Ce que leurs histoires nous disent : Résultats de recherche de l'initiative Sœurs par l'esprit, Association des femmes autochtones du Canada (2010),

(vi) le rapport intitulé Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (30 mars 2015),

(vii) le document intitulé Missing and Murdered Indigenous Women in British Columbia, Canada, Commission interaméricaine des droits de l'homme (21 décembre 2014),

.../5

(viii) les rapports de la Commission d'enquête sur les femmes disparues (Commission Oppal, Colombie-Britannique);

i) ordonne aux commissaires d'examiner les résultats du processus de mobilisation préalable à l'Enquête entrepris par le gouvernement du Canada;

j) autorise les commissaires à louer les locaux et installations nécessaires à la tenue de l'Enquête, conformément aux politiques applicables du Conseil du Trésor;

k) autorise les commissaires à recommander au greffier du Conseil privé de financer la participation selon les lignes directrices approuvées concernant la rémunération et les indemnités ainsi que l'évaluation des comptes de toute personne visée à l'alinéa f), si les commissaires sont d'avis que celle-ci ne pourrait pas participer à l'Enquête sans ce financement;

l) autorise les commissaires à mettre à la disposition des membres des familles de femmes et de filles autochtones disparues et assassinées ainsi que des survivantes de la violence à l'égard des femmes et des filles autochtones, durant leur comparution devant la commission, les services de counselling qu'ils jugent indiqués, et ce, compte tenu de leur culture et des traumatismes subis;

m) autorise les commissaires à orienter vers l'autorité provinciale ou territoriale compétente responsable de la prestation de services aux victimes les familles de femmes et de filles autochtones disparues et assassinées ainsi que les survivantes de la violence à l'égard des femmes et des filles autochtones qui communiquent avec la commission pour obtenir de l'aide ou des renseignements sur

des questions relatives à des enquêtes, à des poursuites ou à des enquêtes du coroner passées ou en cours;

.../6

n) ordonne aux commissaires d'utiliser les systèmes de données électroniques et les procédures précisées par le Bureau du Conseil privé et de consulter les représentants de la gestion des documents du Bureau du Conseil privé concernant l'application des normes et l'utilisation des systèmes conçus précisément pour la gestion des documents;

o) autorise les commissaires à retenir les services de spécialistes et d'autres personnes mentionnées à l'article 11 de la *Loi sur les enquêtes* et à leur verser la rémunération et les indemnités approuvées par le Conseil du Trésor;

p) ordonne aux commissaires de remplir leurs fonctions sans formuler de conclusion ou de recommandation sur la responsabilité civile ou criminelle de quelque personne ou organisme que ce soit;

q) ordonne aux commissaires de remplir leurs fonctions de manière à ne nuire à aucune enquête criminelle ou instance pénale en cours;

r) autorise les commissaires à transmettre aux autorités compétentes tous les renseignements obtenus dans le cadre de l'Enquête si ces derniers ont des motifs raisonnables de croire que ces renseignements peuvent servir à une enquête ou à une poursuite relative à une infraction au *Code criminel*;

s) autorise les commissaires à transmettre aux autorités compétentes tous les renseignements obtenus dans le cadre de l'Enquête si ces derniers ont des motifs raisonnables de croire que ces renseignements ont trait à une inconduite;

t) ordonne aux commissaires de suivre les procédures établies en matière de sécurité, notamment les exigences prévues par les politiques, directives, normes et lignes directrices du gouvernement du Canada en matière de sécurité à l'égard des personnes dont les services sont retenus en vertu de l'article 11 de la *Loi sur les enquêtes* et à l'égard du traitement de l'information à toutes les étapes de l'Enquête;

.../7

u) ordonne aux commissaires de ne pas communiquer, publiquement ou dans quelque rapport que ce soit, des renseignements personnels au sens de l'article 3 de la *Loi sur la protection des renseignements personnels* qui ont été déposés en preuve au cours de l'Enquête lorsque celle-ci est menée à huis clos, à moins qu'ils soient d'avis que des raisons d'intérêt public justifient nettement une éventuelle violation de la vie privée;

v) ordonne aux commissaires de ne faire toute communication visée à l'alinéa u) que de façon à minimiser, dans toute la mesure du possible, une éventuelle violation de la vie privée;

w) ordonne aux commissaires de veiller à ce que le public, dans le cadre de toute partie de l'Enquête tenue en public, puisse communiquer avec la commission et obtenir ses services simultanément dans

les deux langues officielles, y compris les transcriptions d'audiences si celles-ci sont mises à la disposition du public;

x) ordonne aux commissaires de soumettre au gouverneur en conseil les rapports ci-après, simultanément dans les deux langues officielles :

(i) un rapport provisoire, déposé avant le 1er novembre 2017, sur leurs observations et recommandations préliminaires sur les examens, enquêtes et rapports antérieurs qu'ils ont jugé pertinents et sur leur appréciation de ceux-ci,

(ii) un rapport final, déposé avant le 1er novembre 2018, sur leurs observations avec leurs recommandations;

y) ordonne aux commissaires de déposer auprès du greffier du Conseil privé, dès que possible à l'issue de l'Enquête, les documents et les rapports y afférents.

[Return to Search]

Date Modified: 2016-06-02



CCM#: 2016-019744
Protected A
Action required
Action by/Deadline: 2016/10/21

MEMORANDUM TO THE DEPUTY MINISTER

Development of New Treasury Board Secretariat Standard Indicators for the Effectiveness and Efficiency of Legal Internal Services

Proposition du Secrétariat du Conseil du Trésor d'indicateurs sur l'efficacité et l'efficience des services juridiques à titre de service interne

(FOR INFORMATION)

SUMMARY

- The Treasury Board Secretariat (TBS) is developing internal services performance indicators, including some for legal services which are to be implemented by April 1, 2017.
- The four indicators which TBS is proposing are: Costs, Full Time Equivalent (FTEs), Litigation Outcomes, and Client Satisfaction Survey.
- Legal Practices Sector, National Litigation Sector and Management Services Sector have been consulted and are supportive of the proposed indicators.
- TBS will consult Departments on the proposed indicators this fall.
- We will ensure that you are consulted before the final approval by TBS of the indicators.

BACKGROUND

TBS is developing standardized performance indicators for all internal service (IS) categories. Indicators for seven IS categories have already been implemented and the remaining three categories, which includes Legal Services, are scheduled for implementation on April 1, 2017. The purpose of the indicators will be to measure the effectiveness and efficiency of the legal services being provided in government.

The following four indicators are being proposed (See Annex A):

- Cost of Legal Services as a percent of total departmental costs;
- Legal services FTEs as a percent of total departmental FTEs;
- Litigation Outcomes - percent of litigation files that have a successful outcome from the Crown's perspective (See Annex B); and
- Client Satisfaction measuring the overall quality of legal services on a 10-point scale.

The Legal Practices Sector and the National Litigation Sector have been consulted by TBS in the development of these indicators.

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KEY CONSIDERATIONS / OPTIONS

Given the data currently available, the four proposed indicators would be appropriate to provide information on the performance of legal services.

New accounting procedures have been implemented that would enable TBS to report on the total costs and FTE of legal services as a percentage of total client departmental costs and resources.

Litigation outcomes and client surveys have already been used as performance measures and have been published in the Justice Departmental Performance Report (DPR) for several years. The TBS propsal is that these outcomes would be prepared at a (Client) Departmental level.

We advised TBS that in our view litigation indicators should be used for trend analysis and not for inter-departmental comparisons.

We will monitor the interdepartmental consultations which TBS will do over the next 2 months and we will continue to work closely with them to develop the most appropriate methodology to capture litigation outcomes.

As we improve our business analytics data, we could eventually suggest additional or different indicators.

RESOURCE IMPLICATIONS

N\A

COMMUNICATION IMPLICATIONS

In the short term, there is no communication implication.

We will ask Assistant Deputy Ministers to inform Executive Directors of Departmental Legal Services Units that these indicators are in development and that they inform their client-departments that litigation outcomes per department may eventually be provided by TBS.

Currently, the indicators are planned to be used internally, within the government. Should litigation outcomes be published by TBS, a communication strategy will have to be prepared by some departments in consultation with Justice.

CCM#: 2016-019744

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NEXT STEPS

We will monitor the interdepartmental consultations that will likely take place in November and ensure that you have an opportunity to review the indicators before they are sent to the Secretary of the TBS for her approval.

Annex A – DRAFT Internal Service Measures for Legal Services – 2016/07/05
Annex B – Example of Court outcomes by department

Prepared by:
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Date: 10/14/2016

Reviewed by:
Toundjer Erman, Director, Business Analytics Centre, (613-952-6595)
Date: 10/14/2016

Approved by:
France Pégeot, Assistant Deputy Minister, Legal Practices Sector, (613-952-3816)
Date: 10/17/2016

CCM#: 2016-019744

Annex A

DRAFT Internal Service Measures for Legal Services – 2016/07/05

Legal – Outcome and Service Standard Indicators				
Outcome to be Assessed	**The department mitigates its legal risks and is successful in litigation or other legal actions**			
	#	**Measure**	**Data Source**	**Methodology**
Outcome Indicators	L-01	Percentage of litigation files completed in a fiscal year that have a successful outcome from the Crown's perspective (settled and adjudicated) *Rational: An indicator of the effectiveness of legal services in ensuring that crown interests are represented before courts and tribunals.*	Department Data collected by Justice and has been reported on in the organization's Departmental Performance Report.	**Calculated as:** Number of litigation files completed in the fiscal year that had a successful outcome from the Crown's perspective divided by the total number of litigation files completed in the fiscal year. **Timeframe:** Collected for fiscal year. **Definition:** "litigation files" refer to legal disputes involving the Government of Canada that have been brought forward to a Canadian court for resolution. (To confirm definition with Justice) "successful outcome from the Crown's perspective" is defined as a decision rendered by the courts on a litigation file that falls within the Crown's stated objectives in its intent for pursuing or defending legal action. (To confirm definition with Justice)
Service Standard	L-02	Client satisfaction mean rating on the overall quality of legal services on a 10-point scale *Rational: Proxy indicator of legal services being provided within prescribed service standards. The assumption made is that a positive overall quality rating suggests that service standards are being met.*	Department Source: Department of Justice Canada Client Feedback Survey	**Calculated as:** Aggregate mean rating of total responses to individual survey questions rating the quality of legal services received on a 10-point scale. **Timeframe:** Collected every three years. **Definition:** "legal services" Is defined as containing four overall service dimensions: Accessibility / Responsiveness; Usefulness; Timeliness; and Risk Management. (To confirm definition with Justice)

All Three Internal Services – All IS' employ the same efficiency indicators				
	#	Measure	Data Source	Methodology
Efficiency Indicators	EI-01	Actual gross voted operating expenditures on XXX Internal Services category as a percentage of departmental actual gross voted operating expenditures *Rationale: An indicator of efficient use of financial resources in the form of overhead expenditures where the level of resources should be an appropriate proportion of the level of resources for the whole department. Measurement of overhead expenditures along with FTEs strengthens understanding of efficiency.*	Department	**Calculated as:** Actual gross voted operating expenditures on XXX Internal Services category divided by total departmental actual gross voted operating expenditures (using cumulative departmental data as provided in the Central Financial Management Reporting System (CFMRS)). **Timeframe:** Collected for fiscal year. **Definition:** "Actual gross voted operating expenditures" are defined as the sum of expenditures under Standard Objects 01 to 06 and 12, and exclude Statutory expenditures.
	EI-02	XXX Internal Service category FTEs as a percentage of total departmental FTEs *Rationale: An indicator of efficient use of human resources where the level of resources should be an appropriate proportion of the level of resources for the whole department. Measurement of FTEs along with overhead expenditures strengthens understanding of efficiency.*	Central – Results Management Component*	**Calculated as:** Total XXX Internal Services category FTEs divided by total departmental FTEs. **Timeframe:** Collected for fiscal year. **Note:** Refer to the Guide to Preparing Part III of the Estimates, Calculating Full-Time Equivalents.

Annex B

Sample Litigation Outcomes by Client

Successful
Unsuccessful

CRA	2012-13	10% 919	90% 7,896
	2013-14	10% 969	90% 8,372
	2014-15	10% 799	90% 7,106
	2015-16	10% 559	90% 5,039
IRCC	2012-13	23% 2,487	77% 8,101
	2013-14	27% 2,369	73% 6,468
	2014-15	31% 2,644	69% 5,906
	2015-16	31% 2,205	69% 4,840
CBSA	2012-13	24% 440	76% 1,389
	2013-14	23% 395	77% 1,345
	2014-15	27% 457	73% 1,238
	2015-16	29% 394	71% 985
INAC	2012-13	24% 847	76% 2,743
	2013-14	25% 901	75% 2,687
	2014-15	28% 777	72% 1,966
	2015-16	33% 431	67% 862
All other OGDs	2012-13	11% 516	89% 4,085
	2013-14	12% 404	88% 3,087
	2014-15	12% 357	88% 2,662
	2015-16		88% 1,619